

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

GABRIEL MARROQUIN, JR.

§
§
§
§
§

Case No. 3:20-CR-00051-E

ORDER AND MEMORANDUM OPINION

Before the Court is Defendant Gabriel Marroquin (sic) Motion for New Trial Pursuant to Rule 33 of the Federal Rules of Criminal Procedure. (Doc. 68). After reviewing the motion, the response, the record, and applicable law, the Court finds the motion should be, and therefore is, DENIED.

In his motion, defense counsel contends he overlooked the fact that the firearm that served as the basis for the two-point sentence enhancement came into Defendant's possession via the drug trade. *Id.* He further contends this error painted the Defendant in a negative light and had an adverse effect on the Defendant's sentence. *Id.* To the contrary, defense counsel's alleged error had little to no impact on the Court's ultimate sentencing decision at all.

The Court imposed the sentence based on the totality of the circumstances, the evidence presented, and the applicable law. As reflected by the justification section of the sentencing hearing transcript, the Court neither referred to, nor considered, what defense counsel claims he overlooked. The motion is DENIED.

SO ORDERED: February 11, 2022



Ada Brown

UNITED STATES DISTRICT JUDGE